

DETAILED ACTION

Election

1. Applicant's election with traverse of Species 1 in the reply filed on 8/24/2009 is acknowledged. The traversal is on the ground that it would not be an undue burden on the examiner to search for all species. This is not found persuasive because there is an examination and search burden for these patentably distinct species due to their mutually exclusive characteristics. The species require a different field of search (e.g., searching different classes/subclasses or electronic resources, or employing different search queries); and/or the prior art applicable to one species would not likely be applicable to another species; and/or the species are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph. Therefore, claim 3 is withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species.

The requirement is still deemed proper and is therefore made FINAL.

New Restriction

2. This application also contains claims amendable to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

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Species Group I

Species 1, wherein first laminated yarn resin material is polyester.

Species 2, wherein first laminated yarn resin material is polyamide.

Species 3, wherein first laminated yarn resin material is polyolefin.

Species 4, wherein first laminated yarn resin material is other (if elected applicant must specify).

Species Group II

Species 1, wherein second laminated yarn resin material is polyester.

Species 2, wherein second laminated yarn resin material is polyamide.

Species 3, wherein second laminated yarn resin material is polyolefin.

Species 4, wherein second laminated yarn resin material is other (if elected applicant must specify).

Species Group III

Species 1, wherein first laminated yarn metal material is aluminum.

Species 2, wherein first laminated yarn metal material is magnesium.

Species 3, wherein first laminated yarn metal material is tin.

Species 4, wherein first laminated yarn metal material is iron.

Species 5, wherein first laminated yarn metal material is copper.

Species 6, wherein first laminated yarn metal material is silver.

Species 7, wherein first laminated yarn metal material is gold.

Species 8, wherein first laminated yarn metal material is other (if elected applicant must specify).

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Species Group IV

Species 1, wherein second laminated yarn metal material is aluminum.

Species 2, wherein second laminated yarn metal material is magnesium.

Species 3, wherein second laminated yarn metal material is tin.

Species 4, wherein second laminated yarn metal material is iron.

Species 5, wherein second laminated yarn metal material is copper.

Species 6, wherein second laminated yarn metal material is silver.

Species 7, wherein second laminated yarn metal material is gold.

Species 8, wherein second laminated yarn metal material is other (if elected applicant must specify).

3. **Applicant is required, in reply to this action, to elect a single species, from each one of the Species Groups, to which the claims shall be restricted if no generic claim is finally held to be allowable.** The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

4. Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

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5. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reason: Any international application must relate to one invention only or to a group of inventions so linked as to form a single general inventive concept (see MPEP 1850). As demonstrated by the “X” and “Y” references on the International Search Report, at least one independent claim of the application does not avoid the prior art, therefore, the special technical feature of the application is anticipated by or obvious in view of the prior art. Consequently, the species listed above do not relate to a single general inventive concept under PCT Rule 13.1.

6. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

7. The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew T. Piziali whose telephone number is (571) 272-1541. The examiner can normally be reached on Monday-Friday (8:00-4:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Tarazano can be reached on (571) 272-1515. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew T Piziali/
Primary Examiner, Art Unit 1794